

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
GOVERNMENT COMMITTEE

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SUBJECT: Strike everything amendment to S.B. 1475, relating to election complaints; attorney general

Purpose

Outlines powers and duties of the Attorney General (AG) related to the enforcement of election laws. Allows the AG to enforce election laws in elections for Members of Congress, U.S. Senators and presidential electors.

Background

The AG and the Department of Law are charged with: 1) prosecuting and defending all proceedings in the Arizona Supreme Court in which Arizona is a party; 2) prosecuting and defending any proceeding in a court other than the Arizona Supreme Court as necessary; 3) representing Arizona in federal court; and 4) writing opinions upon demand by the Legislature, either house of the Legislature or any member of the Legislature ([A.R.S. § 41-193](#)). The AG may also enforce Arizona election laws through civil and criminal actions in any election for: 1) state office; 2) Members of the Legislature; 3) justices of the Arizona Supreme Court; 4) judges of the court of appeals; or 5) any initiative or referendum ([A.R.S. § 16-1021](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the AG to enforce Arizona election law in elections for Members of Congress, U.S. Senator or presidential electors.
2. Allows the AG, in order to carry out statutory duties relating to enforcement of election laws, to:
 - a) issue written investigative demands to any person;
 - b) administer an oath or affirmation to any person for testimony;
 - c) examine under oath any person in connection with the investigation of an alleged violation of election laws;
 - d) examine any account, book, computer, document, minutes, paper, recording or record by means of inspecting, studying or copying;
 - e) require any person to file a statement or report in writing and under oath of all the facts and circumstances requested by the AG; and
 - f) issue all forms of subpoenas to any person, regardless of whether the person is located within Arizona.

3. Allows the AG, to effectuate the issuance of a subpoena for a person who is not subject to service in Arizona, to initiate a pre-suit enforcement proceeding in superior court and request that the superior court issue the subpoena as part of the proceeding.
4. Requires a subpoena issued by the superior court to state the caption and case number of the pre-suit enforcement proceeding and that the case is pending in the superior court.
5. Requires a written investigative demand to:
 - a) be served on a person in a manner required for service of process in Arizona or by certified mail, return receipt requested;
 - b) describe the class or classes of documents or objects with sufficient definitiveness to allow them to be fairly identified;
 - c) prescribe a reasonable time at which the person must appear to testify and within which a document or object must be produced;
 - d) advise a person that objections to or reasons for not complying with the demand may be filed with the AG prior to the prescribed time of appearance or production; and
 - e) specify a place for taking testimony or for producing a document or object and designate a person who is the custodian of the document or object.
6. Defines *person*.
7. Makes technical and conforming changes.
8. Becomes effective on the general effective date.